

REMARKS

Claims 1-33 and 63-77 drawn from Group I were earlier elected, and claims 35-62 were previously withdrawn, in response to the restriction requirement in the previous office action. Claim 34 was previously cancelled. Claims 1, 6, 7, 14, 19, 20, 27, 63, 68 and 69 have been amended and claims 2, 15, 28 and 64 have been cancelled.

Claim 1 has been amended to include the elements of claim 2. Support is provided in claims 1 and 2 as originally filed.

Claims 6 and 7 have been amended to depend on claim 1 as a result of claim 2 being cancelled.

Claim 14 has been amended to include the elements of claim 15. Support is provided in claims 14 and 15 as originally filed.

Claims 19 and 20 have been amended to depend on claim 14 as a result of claim 15 being cancelled.

Claim 27 has been amended to include the elements of claim 28. Support is provided in claims 27 and 28 as originally filed.

Claim 63 has been amended to include the elements of claim 64. Support is provided in claims 63 and 64 as originally filed.

Claims 68 and 69 have been amended to depend on claim 63 as a result of claim 64 being cancelled.

No new matter is entered upon entry of these amendments.

I. Allowable Subject Matter

The office action indicated that claims 2, 6-8, 15, 19-21, 28, 64 and 68-70 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In this regard, Applicants have amended the claims accordingly as indicated above so that all of the remaining claims will be allowable.

For example, the elements of claim 2 were combined with base claim 1 by amending claim 1 to include the elements of claim 2. Hence, claim 1 is allowable as well as all of the remaining dependent claims 3-13 that depend from base claim 1.

Similarly, the elements of claim 15 were combined with base claim 14 by amending claim 14 to include the elements of claim 15. Hence, claim 14 is allowable as well as all of the remaining dependent claims 16-26 that depend from base claim 14.

Also, the elements of claim 28 were combined with base claim 27 by amending claim 27 to include the elements of claim 28. Hence, claim 27 is allowable as well as all of the remaining dependent claims 29-33 that depend from base claim 1.

Finally, the elements of claim 64 were combined with base claim 63 by amending claim 63 to include the elements of claim 64. Hence, claim 63 is allowable as well as all of the remaining dependent claims 65-77 that depend from base claim 1.

II. Rejections under 35 U.S.C. § 102

Claims 1, 3-5, 9, 11, 13-14, 16-18, 22, 24, 26-27, 29-33, 63, 65-66, 67, 71 and 73-77 stand rejected for allegedly being anticipated by Schultz et al. (U.S. 6,633,031) (“*Schultz*”). Although Applicants do not necessarily agree that the claims are anticipated by Schultz, Applicants respectfully submit that this rejection is moot in view of the claims as presently amended. For example, each of the claims recites, *inter alia*, a capillary comprising an electrically conductive portion comprising pores of a size that permit passage of electrolyte therethrough. *Schultz* does not disclose such pores. Applicants request that this rejection be withdrawn.

III. Rejections under 35 U.S.C. § 103

Claims 10, 23 and 72 stand rejected as allegedly being obvious over *Schultz*. Although Applicants do not necessarily agree, Applicants respectfully submit that this rejection is moot in view of the claims being amended to give rise to allowable subject matter as provided in the instant office action. As well, claims 10, 23 and 72 have been cancelled.

Claims 12, 25 and 74 stand rejected as allegedly being obvious over *Schultz*. Although Applicants do not necessarily agree, Applicants respectfully submit that this rejection is moot in view of the claims being amended to give rise to allowable subject matter as provided in the instant office action.

Accordingly, Applicants request that these rejections be withdrawn.

DOCKET NO.: NIHA-0194
Application No.: 10/529,967
Office Action Dated: July 29, 2008

PATENT

IV. Conclusions

Applicants request that the Examiner enters the amendments and issue a notice of allowance at his earliest convenience. If the Examiner has any questions, the Examiner is invited to call the undersigned at (215) 564-8969.

Respectfully submitted,

Date: November 26, 2008

/Jeffrey H. Rosedale/
Jeffrey H. Rosedale
Registration No. 46,018

Woodcock Washburn LLP
Cira Centre
2929 Arch Street, 12th Floor
Philadelphia, PA 19104-2891
Telephone: (215) 568-3100
Facsimile: (215) 568-3439